

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AUSTIN GARRICK SMITH,	:	
Inmate No. 97002391,	:	
Petitioner,	:	
	:	CIVIL ACTION NO.
v.	:	1:14-CV-3615-TWT-JSA
	:	
STATE OF GEORGIA,	:	
Respondent.	:	

MAGISTRATE JUDGE’S FINAL REPORT AND RECOMMENDATION

Petitioner has filed what he styled a “Motion for Bail and Stay of Further Proceedings,” that the Clerk has docketed as a habeas corpus action under 28 U.S.C. § 2241. (Doc. 1). Petitioner recently filed a federal habeas petition pursuant to 28 U.S.C. § 2254, in which he challenges his February 11, 2013, convictions and sentences in the Gwinnett County Superior Court. *See Smith v. Georgia*, Civil Action No. 1:14-CV-3515-SCJ-JSA. In the current motion, Petitioner asks this Court to issue bail and stay pending state court proceedings until this Court decides his federal habeas petition. (Doc. 1).

As it appears that Petitioner intended to file the motion in his current habeas action, **IT IS RECOMMENDED** that the instant action [Doc. 1] be

ADMINISTRATIVELY CLOSED and filed in Civil Action No. 1:14-CV-3515-TWT-JSA.

The Clerk is **DIRECTED** to terminate the referral to the undersigned Magistrate Judge.

IT IS SO RECOMMENDED this 13th day of November, 2014.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE